



## Catholic Schools Office Diocese of Lismore

# CODE OF CONDUCT STANDARD OPERATING PROCEDURE

<b>Policy Number:</b>	COCSOP01:06
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<b>SOP Contact:</b>	Assistant Director – School Resources Services
<b>Related Documentation:</b>	Catholic Education in the Diocese of Lismore Foundational Values for Catholic Identity and Mission.  Addressing Employee Performance and Disciplinary Matters Policy and Standard Operating Procedure  Bullying and Harassment Policy and Standard Operating Procedure  Child Protection Policy and Standard Operating Procedure  Conflict of Interest Standard Operating Procedure  Digital Technologies Standard Operating Procedure  Employee Use of Social Media Standard Operating Procedure  Gifts and Benefits Standard Operating Procedure  <i>Anti-Discrimination Act 1977 (NSW)</i> <i>Anti-Discrimination Act 2004 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health and Safety Act 2011 (Cth)</i>

## **RATIONALE**

This document sets out the standards of conduct, professional and personal behaviour the Catholic Schools Office (CSO) and Catholic schools for the Diocese of Lismore requires of its employees to uphold and encourage a safe, supportive, productive and harmonious workplace. Employees of the CSO and all parish schools have a responsibility to uphold these standards including upholding the teachings and values of the Catholic Church and to avoid by words, action or public lifestyle, behaviours which are contrary to these teachings and values.

## **SCOPE**

This Code of Conduct applies to all those employed by the CSO and Catholic schools in the Diocese of Lismore. It outlines the obligations, responsibilities and standard of behaviour required of all employees to uphold the values, integrity and reputation of the Catholic Church, the CSO and all parish schools.

Employees are to make themselves familiar with the requirements of this document and ensure they comply with the behaviours and obligations outlined within it.

### **1. COMPLIANCE WITH LAWFUL AND REASONABLE DIRECTION**

- 1.1 Employees must act lawfully and comply with all legislative, contractual and industrial requirements while engaged by the CSO or parish school. Employees must also comply with the CSO or parish school's policies and procedures, and follow all reasonable and lawful directions given by the CSO or parish school.
- 1.2 Employees must comply promptly, conscientiously and effectively with all lawful and reasonable decisions and directions given by a person having authority to give such directions.
- 1.3 When making decisions or giving directions, employees must act within their legal and organisational responsibilities and delegations. Employees must make what they believe to be competent decisions and give fair and reasonable guidance and directions.

### **2. PROFESSIONAL AND ETHICAL CONDUCT**

- 2.1 In the course of their employment, employees must act in a professional and respectful way that enhances their professional reputation and the reputation of the CSO or parish school. Employees should be aware that personal conduct and lifestyle outside of normal working hours can reflect either positively or adversely on the CSO or parish school and therefore they should act appropriately in the presence of students at all times, both within and outside school hours. At all times employees should conduct themselves in a manner that does not bring the CSO or parish school into disrepute.
- 2.2 Employees must treat fellow employees, students and others within their work environment with the respect and dignity that all deserve.
- 2.3 Employees must be acquainted with the policies, procedures and guidelines that are applicable to their actions. Employees are required to read and ensure that they understand policy and procedure documents issued or circulated to them. Employees who are uncertain about any aspect of policies, procedures or guidelines which apply to them should examine the relevant information and seek advice from their Principal, supervisor or relevant CSO personnel. This includes information contained on the CSO's website at [www.lism.catholic.edu.au](http://www.lism.catholic.edu.au) and on individual school websites.

- 2.4 Employees must uphold and comply with:
  - I. Applicable Commonwealth, State and local laws, regulations, industrial awards and agreements;
  - II. Applicable professional standards and codes of practice that do not conflict with government legislation or CSO policy; and
  - III. CSO and school policies and procedures.
- 2.5 Employees must act promptly in reporting breaches of the law, CSO or parish school policies and procedures, government policies and directives to their Principal, supervisor or relevant CSO personnel.
- 2.6 Employees must maintain the accuracy, integrity and appropriate confidentiality of all information used in their professional dealings in Catholic education.
- 2.7 Employees must only take leave of absence from their work duties when authorised to do so.
- 2.8 Employees must ensure that their personal appearance and presentation are clean, tidy and appropriate for their work role in accordance with the local expectation of the parish school or workplace.
- 2.9 Employees must ensure that CSO or parish school resources are not used improperly. These resources include financial and material resources as well as intellectual, information, system and knowledge resources related to their employment.
- 2.10 Professional conduct includes refraining from using offensive language in the workplace or outside the workplace when representing the CSO or school. Employees should be aware that using offensive language in or near, or within hearing distance of a school is an offence under the *Summary Offences Act 1988* (NSW)

### **3. DUTY OF CARE**

- 3.1 All employees of the CSO and parish schools have a duty to do everything reasonably practicable to protect others from foreseeable harm. While this applies in all aspects of an employee's work, it is particularly important for those employees who have interaction with and responsibility for students.
- 3.2 All students have a basic and expected right to a physical and emotional environment that is free from unreasonable risk of harm. Harm includes any significant detrimental effect to the student's physical, psychological or emotional well-being by any cause and includes minor harm that is cumulative in nature and which would result in a detrimental effect of a significant nature to the student if allowed to continue. Harm can be caused by, but is not limited to:
  - I. Physical, psychological or emotional abuse or neglect;
  - II. Sexual abuse or exploitation;
  - III. Domestic or family violence; or
  - IV. Student bullying.
- 3.3 Employees must take reasonable steps to prevent harm to students and to support students who have been harmed.

#### **4. CONTACT WITH STUDENTS**

- 4.1 Employees must not engage in conduct that could physically harm a student and should note that such conduct may result in disciplinary action, as well the reporting of the conduct to the Employment Related Child Protection Division of the NSW Ombudsman.
- 4.2 Corporal punishment is prohibited in all Catholic schools.
- 4.3 There may be occasions, however, where physical intervention is appropriate in order to protect students, self and others. In these circumstances this would be deemed reasonable action providing that the physical intervention is to prevent harm or further harm to students and that the employee seeks to avoid inflicting physical harm where possible. The physical intervention would need to be proportionate to the circumstances.

#### **5. CHILD PROTECTION**

- 5.1 All CSO and parish school employees must comply with the CSO Child Protection Policy and Procedures, relevant legislation and ensure completion of SALT training.
- 5.2 Employees' interactions with students must be, and be seen to be, professional at all times.
- 5.3 Employees must be aware of, and comply with mandatory reporting requirements. A failure to make a mandatory report when required will constitute a breach of this Code of Conduct.

#### **6. DISCRIMINATION AND HARASSMENT**

- 6.1 Employees of the CSO and parish schools are committed to providing workplaces free of all forms of discrimination, victimisation and harassment. Common types of harassment include, but are not limited to:
  - I. Intimidatory harassment;
  - II. Bullying; and
  - III. Sexual harassment.
- 6.2 All CSO and parish school employees must comply with the CSO Discrimination, Harassment and Bullying in the Workplace Standard Operating Procedure, relevant legislation and ensure completion of SALT training.
- 6.3 Employees must not discriminate against, victimise or harass any colleague, student or parent, nor discriminate in how services are provided to the community. All employees of the Trustees have the responsibility to act fairly and evenly towards other employees, students and the general public in accordance with CSO policies and relevant legislation including the NSW *Anti-Discrimination Act 1977*, and the Federal Government's *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975*, and the *Sex Discrimination Act 1994*.
- 6.4 Discrimination, victimisation or harassment will not be tolerated and will be dealt with in accordance with CSO policies and procedures. Internal investigations may result in the matter being referred to relevant authorities in cases where the allegation has been sustained.

## **8. ALCOHOL, TOBACCO AND OTHER DRUGS**

- 8.1 Smoking is not permitted in school facilities and grounds. Similarly, smoking is not permitted whilst staff members have direct responsibility for, or contact with students outside of school grounds.
- 8.2 Employees have a workplace health and safety obligation, in accordance with the *Work Health and Safety Act 2011*, to ensure that their use of medication does not adversely affect their work performance or endanger the health and safety of others.
- 8.3 The illicit use of drugs at any time within a professional context, particularly in association with the supervision of students, is strictly prohibited.
- 8.4 Employees must not consume or be affected by alcohol and/or illicit drugs in any circumstances where they are responsible for students. This includes camps, retreats, excursions and other such activities.
- 8.5 Employees suffering from a drug or alcohol problem that adversely affects their work performance must actively seek professional assistance to correct the problem. In this regard employees are encouraged to access the CSO Employee Assistance Program.

## **9. USING SCHOOL/CSO INTERNET, INTRANET, E-MAIL, MOBILE PHONES AND OTHER MEANS OF ELECTRONIC COMMUNICATION**

- 9.1 All employees of the CSO and parish schools must ensure they are familiar with, and comply with the Digital Technologies Standard Operating Procedure and the Employee Use of Social Media Standard Operating Procedure.
- 9.2 All employees of the CSO and parish schools should be aware that using a carriage service to menace, harass or cause offence is a criminal offence under NSW and Commonwealth law.

## **10. USE OF SCHOOL/CSO RESOURCES**

- 10.1 Employees must ensure that all school or CSO equipment, resources, and consumable items are used appropriately for the work and business of the school or CSO. Limited and occasional private use of school or CSO equipment and resources may occur providing it does not adversely affect the performance of the employee's work duties, or the work duties of others, or the business or reputation of the school or CSO.
- 10.2 Employees must ensure that school or CSO equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.
- 10.3 Employees must have approval to use school or CSO equipment and resources off site for work purposes, and must ensure that they are safely stored and secured.
- 10.4 Employees must ensure that they do not breach copyright law or licensing arrangements when copying any school or CSO property such as software, library and reference materials, or copying other property for school or CSO use.
- 10.5 Employees must not seek financial gain from work produced for the employer without the authorisation of the employer.
- 10.6 Employees whose work duties involve purchasing or managing resources on behalf of the school or CSO must act within their delegated authority and comply with legislative requirements, policies and procedures for the purchase, use and disposal of any school or CSO resource.

## **11. CONFLICT OF INTEREST**

- 11.1 A conflict of interest may exist when an employee's private interests have the potential to interfere with the proper performance of their work duties. A potential or actual conflict of interest must be identified, declared and avoided or resolved in favour of the public interest in accordance with the CSO Conflict of Interest Standard Operating Procedure.
- 11.2 It is understood that situations may occur where employees are working with family members or with persons with whom they develop close personal relationships. Where such relationships exist between employees or with prospective employees, then the potential for conflict of interest should be noted.
- 11.3 As a general principle, all employees who participate in procedures for selection, performance appraisal, termination or transfer of any person who is a family member or with whom they have, or have had, a close personal relationship should declare any potential conflict of interest. However, the existence of a close personal or family relationship should not constitute a bar to the employment, promotion, or transfer of any individual.
- 11.4 In many cases only individual employees themselves will be aware of the potential for conflict. The onus therefore is on the individual in these cases to notify the appropriate supervisor of this potential. Refer to the CSO Conflict of Interest Standard Operating Procedure.

## **12. GIFTS AND BENEFITS**

- 12.1 Employees must not solicit or accept gifts, benefits or hospitality which might be reasonably seen to either directly or indirectly compromise or influence their professional duties. When giving or receiving gifts, employees must ensure compliance with the CSO Gifts and Benefits Standard Operating Procedure.
- 12.2 Receiving gifts of no more than the nominal value of \$50.00, generally used for promotional purposes, or moderate acts of hospitality offered as a genuine thank you by a stakeholder, may be personally retained as long as they have not been solicited by the employee or could be seen to have compromised or unduly influenced the employee's professional duties.
- 12.3 Gifts or hospitality offered as an inducement to purchase, provide information or treat someone favourably are not acceptable regardless of their monetary value. Examples of inducement include a recruitment agency offering theatre tickets for each temporary person employed.
- 12.4 Gifts, such as Christmas hamper or a box of chocolates from a stakeholder, should be shared and made available for consumption by all staff members. Consideration should also be given to donating such gifts to charity.
- 12.5 Gifts from students to teachers must also be treated in accordance with the CSO Gifts and Benefits Standard Operating Procedure. For example, it is acceptable for a teacher to receive a small gift from a student at the end of the school year, and if the gift appears to be worth more than the nominal value, it is to be declared and recorded appropriately.

## **13. SECONDARY EMPLOYMENT**

- 13.1 Employees employed on a full-time basis must seek and obtain approval in writing from their Principal or relevant CSO personnel prior to engaging in any secondary employment or business activity, including employment within a family company.

- 13.2 Part-time and casual employees must also seek approval to undertake secondary employment if the employment may result in potential conflicts of interest that could adversely impact on the employee's ability to perform their duties, including work, health and safety concerns, or where the secondary employment may affect the CSO or school's financial position, services, stakeholders or standing in the community.
- 13.3 Where an employee is already involved in secondary employment, they must provide details of the secondary employment to the Trustees and obtain the necessary approval.

#### **14. PROTECTED DISCLOSURES**

- 14.1 In reporting any suspected improper use, fraud, waste or abuse of resources, improper conduct, inadequate administration or accountability, employees are entitled to seek support and protection when making such disclosures, and to be notified of the action taken in relation to the disclosure.
- 14.2 Employees are not entitled to protection for disclosures which, on investigation, are found to be vexatious or malicious allegations, and may be liable for disciplinary action as a result.

#### **15. PRIVACY AND CONFIDENTIALITY**

- 15.1 Employees of a parish school or the CSO may be entrusted with access to information of a sensitive nature to enable the carrying out of duties.
- 15.2 Employees must ensure that confidential, private and sensitive information is handled carefully and that the integrity of such information is maintained at all times in compliance with relevant privacy legislation and the CSO Privacy Policy and Standard Operating Procedure.
- 15.3 In accordance with the CSO Privacy Policy and Standard Operating Procedures, an employee must not, after leaving employment with the school or CSO, use confidential information obtained during the course of their employment for other work or non-work related purposes.

#### **16. BREACHES OF THE CODE OF CONDUCT**

- 16.1 Actual and potential breaches of the Code of Conduct, including apparent breaches and allegations, will be dealt with in accordance with the principles of procedural fairness and natural justice. Potential breaches may be addressed by appropriate school or CSO policies. In cases of alleged serious misconduct, the CSO's Addressing Employee Performance and Disciplinary Matters Policy and Standard Operating Procedure may apply.
- 16.2 Employees should be aware that sanctions may be applied if this Code of Conduct is breached. Depending on the nature of the breach, various sanctions such as the following may be applied:
- I. Appropriate warnings;
  - II. Counselling;
  - III. Actions as prescribed under the various award provisions;
  - IV. Demotion;
  - V. Suspension;
  - VI. Dismissal; and/or

VII. Laying of criminal charges or civil action.

**17. NATURAL JUSTICE, FAIRNESS AND EQUITY**

Employees who are required to conduct any type of preliminary investigation of complaints against other employees or stakeholders, or issues affecting employees or stakeholders are expected to act consistently, promptly, and fairly. There is an obligation to maintain the principles of natural justice in dealing with issues relating to any investigation. When using any authorised powers, employees should ensure that they take all relevant factors into consideration and have regard to the particular merits of each case.



## VERSION HISTORY

<b>Version</b>	<b>Approval Date</b>	<b>Authorised By</b>	<b>Notes</b>
1	April 2019	Assistant Director – School Resources Services	Originally released